



**The Comptroller General  
of the United States**

Washington, D.C. 20548

Howell - PL

## **Decision**

**Matter of:** Armament Engineering Company

**File:** B-228239

**Date:** October 9, 1987

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### **DIGEST**

Protests against affirmative determinations of responsibility will not be reviewed unless there is a showing of possible fraud or bad faith or a possible failure by the contracting officer to apply definitive responsibility criteria.

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### **DECISION**

Armament Engineering Company (AEC) protests the award of a contract to NDI Engineering Co. (NDI) under solicitation No. DAAA21-87-R-0078. The solicitation, issued by the Department of the Army, is for technical support and fabrication services at the Picatinny Arsenal, New Jersey. The primary basis of AEC's protest is its contention that it is impossible to provide the technical skills required by the solicitation at the rates proposed by NDI. We dismiss the protest.

In its initial protest to the Army, AEC addressed three specific issues: cost realism, technical capability and project experience. The Army responded to the first issue by stating that cost realism is normally a factor in the source selection process when a cost reimbursement contract is anticipated--it is used to arrive at the most probable cost to the government. As this is not a cost reimbursement contract, cost realism was not employed in the evaluation. With respect to the technical capability and project experience issues, NDI was determined by the Army to be acceptable. AEC's letter of protest to the Army provided no evidence to support its contention that NDI lacks the technical capability and project experience necessary to fulfill the terms of the contract. In fact, in its protest AEC makes it clear that it is not in a position to comment on NDI's capability.

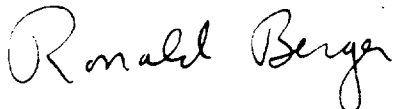
We view the protest issue raised here--the awardee's ability to provide the labor required to perform the contract at the fixed labor rates proposed--as a matter of responsibility.

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"Responsibility" as used in federal procurement generally refers to a bidder's or offeror's ability to perform all of the contract requirements prescribed in the solicitation. Our Office does not review protests against affirmative determinations of responsibility unless there is a showing of possible fraud or bad faith on the part of the procuring officials or a possible failure to apply definitive responsibility criteria contained in the solicitation. Bohemia Inc.--Request for Reconsideration, B-226659.2, Apr. 28, 1987, 87-1 CPD ¶ 447. No such showing is made here, and therefore we will not review the contracting officer's affirmative determination of responsibility.

AEC states that it seeks assurances that proper professional services, paid for at the proper rates, will be provided under the contract. This relates to contract administration, a matter which is the responsibility of the Army, not our Office as a part of our bid protest function. Universal Shipping Co., Inc., B-223905.2, Apr. 20, 1987, 87-1 CPD ¶ 424.

The protest is dismissed.



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